IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 2277 OF 2004

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Ms. Manju Sharma, Advocate appointed for the petitioner.

Mr. D.S. Mhaispurkar, A.P.P. for the respondents.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: 28TH JANUARY, 2005

P.C.:

1. Heard. Perused the affidavit.

2. The affidavit in reply disclose that the petitioner was earlier released on furlough leave, however, he did not surrender in time and was to be arrested. Considering the same and provision of rules regarding grant of furlough and in particular Rule 4(x) of the Furlough Rules framed under Clauses (5) and (28) of Sec. 59 of the Prisoners Act, 1894 by the Government in notification dated 22.6.1959, the petitioner is not entitled to claim furlough leave as a matter of right as the conduct of the petitioner in

not-surrendering on expiry of the furlough leave earlier granted clearly disclose that the petitioner is not a fit person to be allowed to avail such leave and no fault can be found with the rejection of the application by the authorities, in the case in hand. Hence, there is no case for interference. The petition is rejected.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)